

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD JOHN MULLEN,

Defendant.

CR 09-142-BLG-RFC

FINDINGS AND
RECOMMENDATIONS
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to the charge of Receipt of Child Pornography contained in the Information and has agreed to the forfeiture allegation also contained in the Information.

After examining the Defendant under oath, the Court determined that the guilty plea was knowingly, intelligently, and voluntarily entered; that the Defendant fully understands his constitutional rights and the extent to which such rights are waived; and that the offense charged and to which a guilty plea was entered contained each of the essential elements of the offense. The Court also determined that

Defendant's agreement to the forfeiture allegation was knowingly, intelligently, and voluntarily entered; and, that the Defendant fully understands his constitutional rights and the extent to which such rights are waived with respect to the forfeiture.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. I recommend that the Defendant be adjudged guilty and that sentence be imposed. I further recommend that Defendant's agreement to the forfeiture be accepted. A presentence report has been ordered and Defendant was advised of the date set for sentencing should the Court accept this recommendation.

Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P 59(b)(2).

DATED this 22nd day of December, 2009.

/S/ Carolyn S. Ostby
United States Magistrate Judge
